

HB 383  
Senate

For the record my name is Art Hayes Jr. I live at 208 Hanging Woman Creek Road, Birney, Montana. Along with my family I own The Brown Cattle Co. I am also the President of the Tongue River Water Users Association. I would like to speak in opposition of HB 383.

In southeastern Montana we have two highly different types of water systems. Surface water that consists of rain and snow melt water that is used for irrigation and we have ground water that is highly saline due to the geology of the area. This ground water is used for stock water and domestic use. HB 383, would allow thousands of acre feet of highly saline water to be stored in the ephemeral draws that are part of the tributaries and river systems that convey fresh water for irrigation.

In MCA 85-20-101, the Yellowstone Compact, the term "tributary" means any stream which in a natural state contributes to the flow of the Yellowstone River, including interstate tributaries and tributaries thereof but excluding those which are within or contribute to the flow of streams within the Yellowstone National Park. I believe this definition of tributary applies to ephemeral draws since they contribute to the natural flow of rivers. By this definition, HB 383 clearly would violate the Montana water quality standards.

In addition, the Final Statewide Environmental Impact Statement (FEIS) on coalbed methane development cites several examples in which ephemeral drainages will be impacted by produced CBM water, both in regards to quantity and quality. Several examples are below.

Pages 3-19-3-20 states:

"Alluvium aquifers are largely unconfined and connected to active river flow. Because alluvial aquifers can deliver large quantities of water to wells, they are important stratigraphic features. They are also important because they are vulnerable to impact and often connected to surface water resources. Alluvial aquifers can be impacted by surface activity and can act as a conduit to carry those impacts to valuable surface water resources."

Furthermore, on page 4-65 the EIS states:

"Discharge to an impoundment constructed by damming an ephemeral drainage (on-drainage pond) would result in losses by evaporation and

infiltration. The infiltration would lead to groundwater doming under the pond that could rise far enough to intersect the ephemeral stream. Causing discharge to the stream during part or all of the year. Drainage impoundments would also prevent storm water runoff from flowing down drainage and into perennial surface water bodies."

In addition, page 4-66 states:

"Saline seeps may form below both off drainage and on drainage discharge reservoirs as salt laden waters seep out, intersect a confining layer, and flow to the outcrop. All surface discharges must comply with an MPDES permit."

In other words, reservoirs will leak. If there is a reservoir in an ephemeral draw that leaks, it will cause a saline seep and impact our watershed.

It continues on to state:

"It is likely that water that infiltrates into shallow, unconfined alluvial aquifers would be delayed in reaching surface water but not completely lost to the system. A Portion of the projected conveyance loss would enter shallow groundwater flow systems and eventually reach streams and rivers."

All of these statements warn against putting water into ephemeral draw reservoirs, since all reservoirs will leak. These leaks will cause a saline seep and impact our watershed.

In addition, the EIS states that a "total of 11,189 acres are estimates for long term disturbance resulting from produced water management" (4-77). This is a substantial amount of land loss due to reservoirs.

I and other water users would not object to using this water for stock in stock water tanks. But this bill is not about stock water use. This bill is about water disposal. It will put highly saline water in ephemeral draws where it will be carried down stream with the hope that it will be diluted by fresh water. If the CBM water is not diluted to meet the water quality standards set by the Board of Environmental Review, who and how is it going to be called back? Is DEQ or the board of Oil and Gas going to be there to monitor the discharge? No, this bad water is going to carry salts down stream to some irrigator to be spread on their field. If stock water is so badly needed there other ways of getting it.

In checking with the NRCS office I found out that there are federal programs that will pay up to 75% of the cost of a new well and a solar powered pump system. They will last well beyond methane.

I am handing out several photographs. One photo is of a water tank that I took at the Nance Petroleum field on Hanging Women Creek in Wyoming. Discharge water passes through this tank before going into an off-channel holding pond.

The other two photographs are taken from the air of two on-channel reservoirs some where on the Tongue Drainage in Wyoming. In the top photograph there are some back dots by the upper reservoir. In the second photo I zoomed in on that part. Now you can see cows drinking out of and laying around a water tank. Any stockman having good cow sense knows that cattle prefer clean, fresh water if it is available.

This bill is about disposal of water and storing it in places where it will do the greatest amount of harm to down stream users. I ask you to vote no to HB383.

Art Hayes Jr.

# AGRI NEWS

The Best in the West



Vol. 38 No. 41  
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Issues discussed  
at Wyoming wolf conference

Wyo Stock Growers allowed  
to intervene in elk feedgrounds case

News in a Nutshell

SENATE NATURAL RESOURCES  
ORDER NO. \_\_\_\_\_  
DATE \_\_\_\_\_  
BILL NO. \_\_\_\_\_

*Antelope Jr*

# Then & Now

by P.

## Take a look at your hole card

I was recently reading an article by Walt Hackney, a fellow who handles a lot of cattle, feeds a lot of cattle and writes quite a lot about the livestock industry.

He wrote, "Just a suggestion from an outsider looking in, but unless the cattle are absolutely the quill, a cattle feeder better take a long look at his hole card before he commits his cattle to a grid program. The choice select spread is more than \$22.75. Obviously any selects over the maximum acceptable level will tear the cattle feeder's head off. This may not be a record spread, but it's been two or three years since we've seen its equal."

I was visiting with one of the largest livestock order buyers

in America while at the Livestock Marketing Association meeting in Modesto, California, recently. This man has over 20 field order buyers under his bond and he buys all across America. He said to me, "We better be careful and make sure we don't lose the livestock auctions here in America." This man buys heavily, not only at established livestock auctions in permanent locations, but he buys on the video and through private farm sales as well. He said, "Where else could the livestock buyer find pre-sorted cattle that are ready to ship? All he has to do is view them, match them to an order, bid and buy. I don't have the expense of running around the country, trying to deal with farmers and ranchers one-on-one, and end up buying a few head of cattle a day. Now I buy thousands per day. I pay for the cattle, I put them on the trucks and I'm at another auction the following day."

He said that some ranchers and farmers want to sell their cattle privately and they're willing to negotiate a price, sometimes over the telephone. They'll put them on a truck and ship them with the designated buyer instructed to send the check in a few days. But, he pointed out, that buyer can always sort the cattle on arrival and dock the owner on the proceeds.

"I wouldn't like to be in that kind of a situation if I was

a producer," the man said. I of livestock a year! "I could said, "if I didn't have the li make purchases."

He went on to say, "I kno more than the market. It be it also benefits me because I rotate with the market. Som I want... other days it's chea into average over a course o

The independent cattle fe take precautions and figure get open, competitive biddir feed yard, just as the cattle pr competitive bidding on their

Consider that over 80% of are fed and marketed betwee southern Oklahoma - a spre imagine what planned, bona auctions could get done in th you. It would be good for th for the feedlots, and it would livestock industry.

You don't think so? I can sl



## LETTERS

The Best in the West is delighted to print letters from its readers on ag issues. However, the letters are subject to editing for length, grammar, libel, and pertinence to the industry and/or subject at hand.

### The pot's bubbling...

Tami Jo Blake:

Thanks for running my letter (in the May 19 issue, titled "He understands the packers' opposition to COOL"). I will write you later about my opinion and experience with hybrid vigor, which I think is mostly myth. Certainly it is overrated. I'm sure when I shake that tree some apples will fall out. A lot of these Arizona guys are trying to get rid of the "ear" on their cows. Some of us thought it was a big mistake to cross *bos taurus* and *bos indicus* in the first place.

I am enclosing an article from the Quarter Racing Journal that illustrates the problem that a lot of people have with NAIS (the National Animal Identification System). A lot of people "now" things that are not true. (Maybe the problem is that) most ranchers don't want anyone to know how many cows they have. Not the Forest Service, not the BLM, not even their bankers or their ex-wives. The (talk of worry over) cost (of the

we see on Network TV.

I believe both COOL and NAIS are certain to happen in some form. It is a matter of time. Some sort of disease pandemic, real or manufactured, would speed up the process. Ranchers are hardheaded and stubborn. It will be painful.

I love Bill Huntington's books. I have always contended that good bucking horses don't need to be flanked. We never flanked our practice horses. I have never disagreed with anything he said. "Bill's Warbag" was the first thing I always read.

You might explore publishing some stories from "Trails Plowed Under" by Charlie Russell. I bet a lot of young people in Montana haven't read about Rawhide Rawlins. Our grade school teacher read to us as a reward if we behaved. It should be required reading in Montana schools!

You're doing a good job. I was apprehensive at first, but not anymore. Keep the pot bubbling!

### But the money is wonderful

Dear Editor,

I loved your comment about folks in Southeastern Montana either hesitating and thinking about tomorrow or taking the money and running (concerning coal-bed methane development, in the March 17 issue).

I'm going to share our experiences, as owners of the first small privately owned ranch in Big Horn County to be raped by CBM development and Federal Split Estate.

My grandparents homesteaded the ranch and my parents worked their butts off to barely make a living and keep the ranch. We cross-fenced, sprayed sage, rested and rotated pasture until it became solid native grass sod.

In those pastures now, our cows can't eat the roads, well pads, compressor stations, pipelines and power poles. Some of the pipelines have a few sprigs of grass and weeds after three years, but for the most part are bare - except for the tons of rock they dug up. But the money

One by one our water wells are going dry. They have to be plugged because the gas coming from them is dangerous and cows can't drink it. But the money is great! In the West, water causes more fighting than anything else. Some people believe Montana floats on an ocean of underground water. I believe the prehistoric water was trapped under the coal as it was formed, and when that water is gone... it's GONE!

We have lived with "soda water" all our lives. I have drank it for 68 years and I ain't dead yet. Our sprinkler pump is less than 1/4 mile from a large CBM discharge into Tongue River. After pumping that onto our meadows for a few years, areas began to die from lack of water to their roots. We spread gypsum and reseeded and the hay came back. Last year the gypsum for 100 acres was \$7,000. This year it was \$9,792.

In this day and age acronyms are popular. I'll give you a new one. Anvtime you

### Ignorance is not the pr

Dear Editor:

I liked the article that Pat had on fueling engines with water (in the May 12 issue). I have had personal experience with an engine designed to burn water.

My father had a 1927 John Deere "D" that was built from the factory to mix water into the engine when pulling heavy loads. The water came from the radiator, which had an area above the core to give extra capacity. John Deere for

or government agency gives a RA (rat's behind) about a private property owner, THINK AGAIN! But the money is great!

The ranch rape never ends when it becomes a gas field. Did I mention how wonderful the money is?

They have cut our fences, drove over our fences, left our gates open and ground up our water lines - causing us stress and anger almost daily. But the money is just wonderful.

Deanna Vishora